

116TH CONGRESS  
1ST SESSION

# H. R. 2121

To combat trafficking in human organs, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 8, 2019

Mr. RESCHENTHALER introduced the following bill; which was referred to the Committee on Foreign Affairs

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# A BILL

To combat trafficking in human organs, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

**3 SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Strategy To Oppose  
5       Predatory Organ Trafficking Act” or the “STOP Organ  
6       Trafficking Act”.

**7 SEC. 2. FINDINGS.**

8       Congress finds the following:

9               (1) The World Health Organization (WHO) es-  
10          timates that approximately 10 percent of all trans-  
11          planted kidneys worldwide are illegally obtained,

1 often bought from vulnerable impoverished persons  
2 or in some cases forcibly harvested from prisoners.

3 (2) In 2004, the World Health Assembly passed  
4 a resolution urging its member-states to take meas-  
5 ures to protect the poorest as well as vulnerable  
6 groups from exploitation by organ traffickers.

7 (3) On February 13, 2008, the United Nations  
8 Global Initiative to Fight Human Trafficking  
9 (UNGIFT) hosted the “Vienna Forum to Fight  
10 Human Trafficking”, and subsequently reported  
11 that a lack of adequate illicit organ trafficking laws  
12 has provided opportunity for the illegal trade to  
13 grow.

14 (4) On March 21, 2011, the Council of the Eu-  
15 ropean Union adopted rules supplementing the defi-  
16 nition of criminal offenses and the level of sanctions  
17 in order to strengthen the prevention of organ traf-  
18 ficking and the protection of those victims.

19 (5) In 2005, the United States ratified the Pro-  
20 tocol to Prevent, Suppress and Punish Trafficking in  
21 Persons, Especially Women and Children, a supple-  
22 ment to the United Nations Convention against  
23 Transnational Organized Crime, which includes the  
24 removal of organs as a form of exploitation under  
25 the definition of “trafficking in persons”.

1                         (6) According to a 2013 United Nations report  
2 from the Special Rapporteur on trafficking in per-  
3 sons, especially women and children, the economic  
4 and social divisions within and among countries is  
5 notably reflected in the illicit organ trafficking mar-  
6 ket, in which the victims are commonly poor, unem-  
7 ployed, and more susceptible to deceit and extortion.

8 **SEC. 3. SENSE OF CONGRESS.**

9                         It is the sense of Congress that—

10                         (1) the kidnapping or coercion of individuals for  
11 the purpose of extracting their organs for profit is  
12 in contradiction of the ideals and standards for eth-  
13 ical behavior upon which the United States has  
14 based its laws;

15                         (2) the illegal harvesting of organs from chil-  
16 dren is a violation of the human rights of the child  
17 and is a breach of internationally accepted medical  
18 ethical standards described in WHO Assembly Reso-  
19 lution 57.18 (May 22, 2004);

20                         (3) the illegal harvesting and trafficking of or-  
21 gans violates Article 3 of the Universal Declaration  
22 of Human Rights, which states that “Everyone has  
23 the right to life, liberty and security of person.”, and  
24 Article 4, which states that “No one shall be held in  
25 slavery or servitude.”; and

## **5 SEC. 4. STATEMENT OF POLICY.**

6 It shall be the policy of the United States to—

7                   (1) combat the international trafficking in per-  
8                   sons for purposes of the removal of organs;

**16 SEC. 5. REVOCATION OR DENIAL OF PASSPORTS TO INDIVIDUALS WHO ARE ORGAN TRAFFICKERS.**

18        The Act entitled “An Act to regulate the issue and  
19 validity of passports, and for other purposes”, approved  
20 July 3, 1926 (22 U.S.C. 211a et seq.), commonly known  
21 as the “Passport Act of 1926”, is amended by adding at  
22 the end the following new section:

## **23 "SEC. 4. AUTHORITY TO DENY OR REVOKE PASSPORT.**

24        "(a) ISSUANCE.—The Secretary of State may refuse  
25 to issue a passport to any individual who has been con-

1 victed of an offense under section 301 of the National  
2 Organ Transplant Act (42 U.S.C. 274e) if such individual  
3 used a passport or otherwise crossed an international bor-  
4 der in the commission of such an offence.

5       “(b) REVOCATION.—The Secretary of State may re-  
6 voke a passport previously issued to any individual de-  
7 scribed in paragraph (1).”.

8 **SEC. 6. AMENDMENTS TO THE TRAFFICKING VICTIMS PRO-**  
9 **TECTION ACT OF 2000.**

10       Section 103 of the Trafficking Victims Protection Act  
11 of 2000 (22 U.S.C. 7102) is amended—

12           (1) in paragraph (11)—

13              (A) in subparagraph (A), by striking “or”  
14 after the semicolon at the end;

15              (B) in subparagraph (B), by striking the  
16 period at the end and inserting: “; or”; and

17              (C) by adding at the end the following new  
18 subparagraph:

19                  “(C) trafficking in persons for purposes of  
20 the removal of organs (as defined in paragraph  
21 (15)).”;

22           (2) by redesignating paragraphs (15) through  
23 (17) as paragraphs (16) through (18), respectively;  
24 and

(3) by inserting after paragraph (14) the following new paragraph:

3               “(15) TRAFFICKING IN PERSONS FOR PUR-  
4               POSES OF THE REMOVAL OF ORGANS.—

5                         “(A) IN GENERAL.—The term ‘trafficking  
6                         in persons for purposes of the removal of or-  
7                         gans’ means the recruitment, transportation,  
8                         transfer, harboring, or receipt of a person for  
9                         the purpose of removing one or more of such  
10                         person’s organs, by means of—

11 “(i) coercion;

12 “(ii) abduction;

13 “(iii) deception;

14 “(iv) fraud;

15                                 “(v) abuse of power or a position of  
16                                 vulnerability; or

17                         “(vi) transfer of payments or benefits  
18                         to achieve the consent of a person having  
19                         control over a person described in the mat-  
20                         ter preceding clause (i).

21                   “(B) ORGAN DEFINED.—In subparagraph  
22                   (A), the term ‘organ’ has the meaning given the  
23                   term ‘human organ’ in section 301(c)(1) of the  
24                   National Organ Transplant Act (42 U.S.C.  
25                   274e(c)(1)).”.

1   **SEC. 7. REPORTING.**

2                 (a) IN GENERAL.—Not later than two years after the  
3   date of the enactment of this Act and annually thereafter  
4   through 2026, the Secretary of State shall submit to the  
5   appropriate congressional committees a comprehensive re-  
6   port that includes the following information:

7                     (1) A description of the sources, practices,  
8   methods, facilitators, and recipients of trafficking in  
9   persons for purposes of the removal of organs during  
10   the period covered by each such report.

11                  (2) A description of activities undertaken by the  
12   Department of State, either unilaterally or in co-  
13   operation with other countries, to address and pre-  
14   vent trafficking in persons for purposes of the re-  
15   moval of organs.

16                  (3) A description of activities undertaken by  
17   countries to address and prevent trafficking in per-  
18   sons for purposes of the removal of organs.

19                 (b) MATTERS TO BE INCLUDED.—The reports re-  
20   quired under subsection (a) shall include the collection and  
21   organization of data from human rights officers at United  
22   States diplomatic and consular posts on host country laws  
23   against trafficking in persons for purposes of the removal  
24   of organs, including enforcement of such laws, or any in-  
25   stances of violations of such laws.

1       (c) ADDITIONAL MATTERS TO BE INCLUDED.—The  
2 reports required under subsection (a) may include the fol-  
3 lowing:

4                 (1) Information provided in meetings with host  
5 country officials.

6                 (2) Information provided through cooperation  
7 with United Nations or World Health Organization  
8 agencies.

9                 (3) Communications and reports provided by  
10 nongovernmental organizations working on the issue  
11 of trafficking in persons for purposes of the removal  
12 of organs.

13                 (4) Any other reports or information sources  
14 the Secretary of State determines to be necessary  
15 and appropriate.

16       (d) RELATION TO TRAFFICKING IN PERSONS RE-  
17 PORT.—The reports required under subsection (a) shall be  
18 deemed to satisfy the reporting requirements relating to  
19 trafficking in persons for purposes of the removal of or-  
20 gans under section 110(b) of the Trafficking Victims Pro-  
21 tection Act of 2000 (22 U.S.C. 7107(b)).

22 **SEC. 8. DEFINITIONS.**

23       In this Act:

24                 (1) APPROPRIATE CONGRESSIONAL COMMIT-  
25 TEES.—The term “appropriate congressional com-

1       mittees” means the Committee on Foreign Affairs of  
2       the House of Representatives and the Committee on  
3       Foreign Relations of the Senate.

4                     (2) ORGAN.—The term “organ” has the mean-  
5       ing given the term “human organ” in section  
6       301(c)(1) of the National Organ Transplant Act (42  
7       U.S.C. 274e(c)(1)).

8                     (3) TRAFFICKING IN PERSONS FOR PURPOSES  
9       OF THE REMOVAL OF ORGANS.—The term “traf-  
10      ficking in persons for purposes of the removal of or-  
11      gans” means the recruitment, transportation, trans-  
12      fer, harboring, or receipt of a person for the purpose  
13      of removing one or more of the person’s organs, by  
14      means of—

15                     (A) coercion;  
16                     (B) abduction;  
17                     (C) deception;  
18                     (D) fraud;  
19                     (E) abuse of power or a position of vulner-  
20      ability; or

21                     (F) transfer of payments or benefits to  
22      achieve the consent of a person having control  
23      over a person described in the matter preceding  
24      subparagraph (A).

**1 SEC. 9. LIMITATION ON FUNDS.**

2        No additional funds are authorized to be appro-  
3 priated to carry out this Act or any amendment made by  
4 this Act.

